

## JOURNAL OF THE HOUSE

## Fifty-ninth Legislative Assembly

\* \* \* \* \*

Bismarck, January 14, 2005

The House convened at 12:00 p.m., with Speaker Klein presiding.

The prayer was offered by Pastor Donna Dohrmann, Lutheran Church of the Cross, Bismarck.

The roll was called and all members were present except Representatives Aarsvold, Berg, Boucher, Carlisle, Conrad, Glassheim, Grande, Kaldor, Keiser, R. Kelsch, Kingsbury, Klemin, Koppelman, Maragos, Martinson, L. Meier, Nicholas, Sitte, Skarphol, Svedjan, Thoreson, Timm, and Weiler.

A quorum was declared by the Speaker.

**REP. BERG** wanted the Journal to reflect the reason for absentees during roll call, they attended the funeral of former Senator Evan Lips.

## MOTION

**REP. BERG MOVED** that HB 1031 be returned to the House floor from the **Finance and Taxation Committee** and be rereferred to the **Finance and Taxation Committee**, which motion prevailed.

## REPORT OF PROCEDURAL COMMITTEE

**MR. SPEAKER:** Your procedural **Employment Committee (Rep. R. Kelsch, Chairman)** recommends the following House employees for the Fifty-ninth Legislative Assembly:

	<u>Chief Clerk</u>	
Brad Fay		Bismarck
	<u>Assistant Chief Clerk</u>	
Fran Gronberg		Bismarck
	<u>Journal Reporter</u>	
Judy Hoffman		Bismarck
	<u>Bill Clerk</u>	
Carl Strum		Beach
	<u>Calendar Clerk</u>	
Buell Reich		Bismarck
	<u>Sergeant-at-Arms</u>	
Jerry Moszer		Bismarck
	<u>Administrative Assistant to the Speaker</u>	
Erma Hauglie		Bismarck
	<u>Administrative Assistant to the Majority Leader</u>	
Lorrie Giese		Bismarck
	<u>Staff Assistant to the Majority Leader</u>	
Justin Dever		Bismarck
	<u>Administrative Assistant to the Minority Leader</u>	
Carol Seigert		Antler
	<u>Staff Assistants to the Minority Leader</u>	
Tim Edland Kadee Hande		Mandan Bowman
	<u>Chief Committee Clerk</u>	
Pam Dever		Bismarck
	<u>Assistant Appropriations Committee Clerks</u>	

Robin Pursley, Education  
 Diane Overby, Human Resources  
 Rose Trenbeath, Government Operations  
 Stephanie Thomas, Government Performance  
 Chris Alexander, Full Committee

Bismarck  
 Wolford  
 Cavalier  
 Fargo  
 Bismarck

Committee Clerks

Gere Stetson, Human Services  
 Janice Prindle, Education  
 Jody Reinke, Industry, Business and Labor  
 Janice Stein, Finance and Taxation  
 Dawn Penrose, Judiciary  
 Karen Bonnet, Natural Resources  
 Vern Zink, Political Subdivisions  
 Edward Ellefson, Agriculture  
 Delores Shimek, Transportation  
 Dixie Zinn, Government and Veterans Affairs

Taylor  
 Bismarck  
 Center  
 Mandan  
 Bismarck  
 Bismarck  
 Bismarck  
 Bismarck  
 Bismarck  
 Bismarck

Assistant Committee Clerk

Diane Haan

Bismarck

Deputy Sergeant-at-Arms

Peggy Puetz

Bismarck

Assistant Sergeants-at-Arms

Pete Schafer  
 John Clement  
 Bernie Meyer - Half day position

Bismarck  
 Bismarck  
 Mandan

Chief Page and Bill Book Clerk

Karen Karls

Bismarck

Desk Page

Mary Sahli

Bismarck

Page and Bill Book Clerks

Roman Brier  
 Jeanne Bailey  
 Steven Alt  
 Brenda Huff

Mandan  
 Bismarck  
 New Leipzig  
 Bismarck

Information Kiosk Attendant

Mary Mann - Half day position

Mandan

Payroll Clerk

Georgia Clement

Bismarck

Parking Lot Attendant

Dan Brynjolfson

Bismarck

**REP. R. KELSCH MOVED** that the report be adopted, which motion prevailed.

**OATH OF OFFICE**

**SPEAKER KLEIN ADMINISTERED** the Oath of Office to House Employees.

**MEMORIAL COMMITTEE APPOINTEES**

REP. CARLISLE, CHAIRMAN

REP. HERBEL, VICE-CHAIRMAN

REP. AARSVOLD

REP. HAWKEN

REP. DELMORE

**SIXTH ORDER OF BUSINESS**

**REP. MONSON MOVED** that the amendments on the Sixth order of business to HB 1051, HB 1081, HB 1086, HB 1139, HB 1149, HB 1159 and HB 1163 be adopted, which motion prevailed.

HB 1051, HB 1081, HB 1086, HB 1139, HB 1149, HB 1159 and HB 1163, as amended, were placed on the Eleventh order of business on the calendar.

#### FIRST READING OF SENATE CONCURRENT RESOLUTION

**SCR 4006:** A concurrent resolution urging the National Emergency Medical Services Scope of Practice Model Review Team to reconsider significantly raising the training requirements of emergency medical services providers.

Was read the first time.

#### MOTION

**REP. PORTER MOVED** that the rules be suspended, that SCR 4006 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Sens. Klein, O'Connell, Stenehjem and Reps. Berg, Boucher, Devlin introduced:

#### SENATE CONCURRENT RESOLUTION NO. 4006

A concurrent resolution urging the National Emergency Medical Services Scope of Practice Model Review Team to reconsider significantly raising the training requirements of emergency medical services providers.

**WHEREAS**, North Dakota has a predominantly voluntary emergency medical services workforce; and

**WHEREAS**, emergency medical services volunteers give a substantial amount of their personal time to be on duty twenty-four hours per day seven days a week to render care and to transport the sick and injured, and these volunteers are a vital component of public safety; and

**WHEREAS**, the National Emergency Medical Services Scope of Practice Model would significantly increase the number of training hours required to become an emergency medical technician, eliminate the emergency medical technician intermediate level, and restrict the procedures that a paramedic could perform; and

**WHEREAS**, increasing the emergency medical services provider's training requirements may discourage individuals from volunteering as emergency medical services providers;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Fifty-ninth Legislative Assembly urges the National Emergency Medical Services Scope of Practice Model Review Team to reconsider significantly raising the training requirements of emergency medical services providers; and

**BE IT FURTHER RESOLVED**, that the model review team be requested to not eliminate the emergency medical technician intermediate level and to not restrict procedures currently permitted to be performed by paramedics; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward a copy of this resolution to each member of the National Emergency Medical Services Scope of Practice Model Review Team, the executive director of the National Association of State EMS Directors, the administrator of the National Highway Traffic Safety Administration, and each member of the North Dakota Congressional Delegation.

#### SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 4006:** A concurrent resolution urging the National Emergency Medical Services Scope of Practice Model Review Team to reconsider significantly raising the training requirements of emergency medical services providers.

#### ROLL CALL

The question being on the final adoption of the resolution, which has been read, the roll was called and there were 70 YEAS, 0 NAYS, 0 EXCUSED, 24 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Bernstein; Boe; Boehning; Brandenburg; Brusegaard; Carlson; Charging; Clark; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Ekstrom; Froelich; Froseth; Galvin; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsh, S.; Kempenich; Kerzman; Kreidt; Kretschmar; Kroeber; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Solberg; Thorpe; Uglem; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Aarsvold; Berg; Boucher; Carlisle; Conrad; Drovdal; Glassheim; Grande; Kaldor; Keiser; Kelsch, R.; Kingsbury; Klemin; Koppelman; Maragos; Martinson; Meier, L.; Nicholas; Sitte; Skarphol; Svedjan; Thoreson; Timm; Weiler

SCR 4006 was declared adopted on a recorded roll call vote.

\*\*\*\*\*

**MOTION**

**REP. MONSON MOVED** that the rules be suspended and SCR 4006 be messaged to the Senate immediately, which motion prevailed.

**FIRST READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4007:** A concurrent resolution paying tribute to North Dakota military personnel who have died in Iraq.

Was read the first time.

**MOTION**

**REP. MONSON MOVED** that the rules be suspended, that SCR 4007 not be printed not be referred to committee, but be read in its entirety, be printed in the Journal, and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Sens. Stenehjem, Grindberg, O'Connell and Reps. Berg, Boucher, Klein introduced:

**SENATE CONCURRENT RESOLUTION NO. 4007**

A concurrent resolution paying tribute to North Dakota military personnel who have died in Iraq.

**WHEREAS**, Spc. Jon P. Fettig, Dickinson; Staff Sgt. Kenneth W. Hendrickson, Bismarck; Sgt. Keith L. Smette, Makoti; Spc. Philip D. Brown, Jamestown; Staff Sgt. Lance J. Koenig, Fargo; Spc. Cody L. Wentz, Williston; Pfc. Anthony W. Monroe, Bismarck; Spc. Thomas J. Sweet II, Bismarck; and Pfc. Sheldon R. Hawk Eagle, Grand Forks, were called upon by the United States of America to fight the forces of terror that threaten free men; and

**WHEREAS**, these brave, courageous, and valorous soldiers in performing their duty made that supreme sacrifice that great men and women have been called upon down through our country's history to make for the right to be free; and

**WHEREAS**, it is the intention of the Fifty-ninth Legislative Assembly, acting as the representatives of all the people of the state of North Dakota, to recognize these individuals;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Fifty-ninth Legislative Assembly of the state of North Dakota hereby pays solemn tribute to:

Fettig, Dickinson;	Spc. Jon P.
Kenneth W. Hendrickson, Bismarck;	Staff Sgt.
Smette, Makoti;	Sgt. Keith L.
Brown, Jamestown;	Spc. Philip D.
Lance J. Koenig, Fargo;	Staff Sgt.
Wentz, Williston;	Spc. Cody L.
W. Monroe, Bismarck;	Pfc. Anthony
J. Sweet II, Bismarck; and	Spc. Thomas
R. Hawk Eagle, Grand Forks;	Pfc. Sheldon

for their sacrifice for helping to keep the United States of America and other countries of this world free from the forces of terror that would kill the innocent and threaten the free; and

**BE IT FURTHER RESOLVED**, that the people of the state of North Dakota hereby join together to express deepest sympathies to the parents and relatives of these brave soldiers and to express to them the furtherant belief that these men did not die in vain; and

**BE IT FURTHER RESOLVED**, that the Secretary of State send enrolled copies of this resolution to the parents and wives of these heroes.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4007:** A concurrent resolution paying tribute to North Dakota military personnel who have died in Iraq.

**ROLL CALL**

The question being on the final adoption of the resolution, which has been read, the roll was called and there were 72 YEAS, 0 NAYS, 0 EXCUSED, 22 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brandenburg; Brusegaard; Carlson; Charging; Clark; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Gulleeson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsh, S.; Kempenich; Kerzman; Kreidt; Kretschmar; Kroeber; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Solberg; Thorpe; Uglem; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Aarsvold; Boucher; Carlisle; Conrad; Glassheim; Grande; Kaldor; Keiser; Kelsch, R.; Kingsbury; Klemin; Koppelman; Maragos; Martinson; Meier, L.; Nicholas; Sitte; Skarphol; Svedjan; Thoreson; Timm; Weiler

SCR 4007 was declared adopted on a recorded roll call vote.

\*\*\*\*\*

#### MOTION

**REP. MONSON MOVED** that the rules be suspended and SCR 4007 be messaged to the Senate immediately, which motion prevailed.

#### FIRST READING OF SENATE CONCURRENT RESOLUTION

**SCR 4008:** A concurrent resolution designating Senate and House employment positions and fixing compensation.

Was read the first time.

#### MOTION

**REP. MONSON MOVED** that the rules be suspended, that SCR 4008 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Sens. Kringstad, Flakoll, Kilzer, Nelson, Triplett and Rep. R. Kelsch introduced:

#### SENATE CONCURRENT RESOLUTION NO. 4008

A concurrent resolution designating Senate and House employment positions and fixing compensation.

#### BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That for the Fifty-ninth Legislative Assembly, the following positions are designated as employee positions of the Senate and House and are to be paid the daily wages indicated:

#### SENATE

Secretary of the Senate	\$120
Assistant secretary of the Senate	105
Journal reporter	117
Calendar clerk	105
Bill clerk	100
Sergeant-at-arms	92
Administrative assistant to majority leader	109
Staff assistant to majority leader	109
Administrative assistant to minority leader	109
Staff assistant to minority leader	109
Chief committee clerk	109
Appropriations Committee clerk	109
Assistant Appropriations Committee clerk	105
Committee clerk for three-day committee	105
Committee clerk for two-day committee	97
Assistant committee clerk	86
Deputy sergeant-at-arms	77
Chief page and bill book clerk	85
Legislative assistant	71

#### HOUSE

Chief Clerk	\$120
Assistant chief clerk	105
Journal reporter	117
Calendar clerk	105
Bill clerk	100
Sergeant-at-arms	92
Administrative assistant to majority leader	109
Staff assistant to majority leader	109
Administrative assistant to minority leader	109

Staff assistant to minority leader	109
Administrative assistant to Speaker	92
Chief committee clerk	109
Appropriations Committee clerk	109
Assistant Appropriations Committee clerk	105
Committee clerk for three-day committee	105
Committee clerk for two-day committee	97
Assistant committee clerk	86
Payroll clerk	88
Deputy sergeant-at-arms	77
Chief page and bill book clerk	85
Legislative assistant	71

**BE IT FURTHER RESOLVED**, that each employee of the Fifty-ninth Legislative Assembly is entitled to an additional \$1 per day for each previous regular session of the Legislative Assembly during which that employee was paid for at least 45 days, as either an employee of the Senate or the House, and to receive this additional compensation, which may not exceed \$10 per day, that employee must certify to the Legislative Council the year of each regular session during which that employee was employed as required by this resolution; and

**BE IT FURTHER RESOLVED**, that each majority leader and each minority leader is entitled to one administrative assistant and two staff assistants, but each majority or minority leader may hire fewer or more assistants so long as the total daily compensation for the assistants hired does not exceed the total daily amount authorized for those positions by this resolution; and

**BE IT FURTHER RESOLVED**, that the report of the Employment Committee of the respective house identify the number of employees in each position by listing every employee and the position for which employed; and

**BE IT FURTHER RESOLVED**, that with the approval of the Employment Committee of the respective house, a position may be converted to a part-time position, with the daily compensation converted to a per hour rate of pay, and a part-time employee may hold more than one part-time position so long as the positions held do not exceed a full-time equivalent position; and

**BE IT FURTHER RESOLVED**, that if any employee resigns, is discharged, or for other reasons terminates employment, the compensation provided by this resolution for that employee ceases effective the last day of employment.

#### SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 4008:** A concurrent resolution designating Senate and House employment positions and fixing compensation.

#### ROLL CALL

The question being on the final adoption of the resolution, which has been read, the roll was called and there were 74 YEAS, 0 NAYS, 0 EXCUSED, 20 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brandenburg; Brusegaard; Carlson; Charging; Clark; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsh, S.; Kempenich; Kerzman; Kreidt; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Solberg; Svedjan; Thorpe; Uglem; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Aarsvold; Boucher; Carlisle; Conrad; Glassheim; Grande; Kaldor; Keiser; Kelsch, R.; Kingsbury; Klemin; Koppelman; Maragos; Meier, L.; Nicholas; Sitte; Skarphol; Thoreson; Timm; Weiler

SCR 4008 was declared adopted on a recorded roll call vote.

\*\*\*\*\*

#### MOTION

**REP. MONSON MOVED** that the rules be suspended and SCR 4008 be messaged to the Senate immediately, which motion prevailed.

#### MOTION

**REP. DEVLIN MOVED** that HB 1371 be returned to the House floor from the **Political Subdivisions Committee** and be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed.

**MOTION**

**REP. N. JOHNSON MOVED** that HB 1308 be returned to the House floor from the **Industry, Business and Labor Committee** and be rereferred to the **Transportation Committee**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1117:** A BILL for an Act to amend and reenact section 23-07-01 of the North Dakota Century Code, relating to authority of the state department of health to maintain a cancer registry.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Gullerson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klemin; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Grande; Kingsbury; Koppelman; Maragos; Skarphol

HB 1117 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1144:** A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to income tax withholding on lottery winnings; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 77 YEAS, 12 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Gullerson; Haas; Hanson; Hawken; Herbel; Horter; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klemin; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** DeKrey; Delzer; Devlin; Froelich; Headland; Iverson; Kasper; Kreidt; Meyer, S.; Pollert; Porter; Weisz

**ABSENT AND NOT VOTING:** Grande; Kingsbury; Koppelman; Maragos; Skarphol

HB 1144 passed, the title was agreed to, and the emergency clause was declared carried.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1145:** A BILL for an Act to amend and reenact subsection 1 of section 57-38-30.3 and subsection 2 of section 57-38-31 of the North Dakota Century Code, relating to the filing of separate income tax returns by married individuals; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klemin; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Grande; Kingsbury; Koppelman; Maragos; Skarphol

HB 1145 passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1188:** A BILL for an Act to create and enact a new subsection to section 28-01-18 of the North Dakota Century Code, relating to a two-year statute of limitations for an action resulting from a breach of duty with respect to a real estate transaction.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 85 YEAS, 3 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klemin; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Pietsch; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Brusegaard; Pollert; Thorpe

**ABSENT AND NOT VOTING:** Grande; Kingsbury; Koppelman; Maragos; Owens; Skarphol

HB 1188 passed and the title was agreed to.

\*\*\*\*\*

### MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1040, HB 1042, HB 1062, HB 1077, HB 1079, HB 1080, HB 1083, HB 1105, HB 1106, HB 1111, HB 1114, HB 1127, HB 1130, HB 1140, HB 1142, HB 1151, HB 1160, HB 1212.

### MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

**MR. PRESIDENT:** The House has passed unchanged: SCR 4006, SCR 4007, SCR 4008.

### MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2048, SB 2083, SB 2120, SB 2123.

### MOTION

**REP. MONSON MOVED** that the absent members be excused, which motion prevailed.

### MOTION

**REP. MONSON MOVED** that the House be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Monday, January 17, 2005, which motion prevailed.

### FIRST READING OF HOUSE BILLS

Reps. Ekstrom, Charging, N. Johnson, Potter and Sens. Fairfield, Triplett introduced:

**HB 1381:** A BILL for an Act to create and enact a new section to chapter 54-52.1 of the North

Dakota Century Code, relating to public employees retirement system health insurance coverage of outpatient prescription drugs; and to provide an expiration date.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Reps. Thorpe, S. Kelsh, Zaiser and Sens. Every, O'Connell, Seymour introduced:

**HB 1382:** A BILL for an Act to create and enact a new section to chapter 34-06 of the North Dakota Century Code, relating to an increase in the state minimum wage; and to provide an expiration date.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Reps. Berg, Boucher, Iverson and Sens. Hacker, Heitkamp, Stenehjem introduced:

**HB 1383:** A BILL for an Act to create and enact a new subsection to section 5-01-01 of the North Dakota Century Code, relating to definitions for the purpose of sale and consumption of alcoholic beverages; and to amend and reenact sections 5-02-05 and 5-02-09 of the North Dakota Century Code, relating to the sale and consumption of alcoholic beverages.

Was read the first time and referred to the **Judiciary Committee**.

Reps. Weisz, Brandenburg, Damschen and Sen. Fischer introduced:

**HB 1384:** A BILL for an Act to create and enact a new section to chapter 47-05 of the North Dakota Century Code, relating to public utility easements.

Was read the first time and referred to the **Political Subdivisions Committee**.

Reps. Zaiser, Brandenburg, S. Kelsh and Sen. Erbele introduced:

**HB 1385:** A BILL for an Act to amend and reenact sections 49-02-01.1 and 49-02-03 of the North Dakota Century Code, relating to pricing of electricity generated from wind resources.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Reps. Klemin, Berg, Kretschmar and Sens. Kilzer, Nething, Trenbeath introduced:

**HB 1386:** A BILL for an Act to provide for mandatory alternative dispute resolution for professional malpractice claims; to amend and reenact section 32-42-01 of the North Dakota Century Code, relating to alternative dispute resolution definitions; to repeal sections 32-42-03 and 32-42-04 of the North Dakota Century Code, relating to alternative dispute resolution; and to provide an effective date.

Was read the first time and referred to the **Judiciary Committee**.

Reps. Monson, Horter, R. Kelsch and Sens. Cook, Hacker introduced:

**HB 1387:** A BILL for an Act to amend and reenact section 15-10-37 of the North Dakota Century Code, relating to the technology occupations student loan repayments.

Was read the first time and referred to the **Education Committee**.

Reps. Kempenich, Haas, Kerzman and Sen. Erbele introduced:

**HB 1388:** A BILL for an Act to amend and reenact section 20.1-01-21 of the North Dakota Century Code, relating to hunting near occupied buildings.

Was read the first time and referred to the **Natural Resources Committee**.

Reps. Kretschmar, Boucher and Sen. Fischer introduced:

**HB 1389:** A BILL for an Act to amend and reenact subsections 1, 2, and 3 of section 53-06.2-11 of the North Dakota Century Code, relating to bet payoff formulas.

Was read the first time and referred to the **Judiciary Committee**.

Reps. Kretschmar, Boucher and Sen. Fischer introduced:

**HB 1390:** A BILL for an Act to amend and reenact subsection 11 of section 53-06.2-01 of the North Dakota Century Code, relating to the definition of racing.

Was read the first time and referred to the **Judiciary Committee**.

Rep. DeKrey and Sen. Traynor introduced:

**HB 1391:** A BILL for an Act to create and enact sections 10-19.1-01.2, 10-19.1-102.1, 10-19.1-104.1, 10-19.1-104.2, 10-19.1-104.3, 10-19.1-104.4, 10-19.1-104.5, 10-19.1-104.6, 10-19.1-148.1, 10-19.1-148.2, 10-32-02.2, 10-32-106.1, 10-32-108.1, 10-32-108.2, 10-32-108.3, 10-32-108.4, 10-32-108.5, 10-32-108.6, 10-32-152.1, 10-32-152.2, 10-33-01.2, 10-33-141.1, 10-33-141.2, 45-13-01.1, 45-21-02.1, 45-21-04.1, 45-21-04.2, 45-21-07.1, 45-22-23.1, and 45-22-23.2 of the North Dakota Century Code, relating to corporations, limited liability companies, limited liability partnerships, and partnerships; to amend and reenact sections 10-19.1-01 and 10-19.1-08, subsections 3 and 4 of section 10-19.1-10, sections 10-19.1-13, 10-19.1-20, 10-19.1-27, and 10-19.1-39, subsections 3 and 5 of section 10-19.1-43, sections 10-19.1-52 and 10-19.1-55, subsection 2 of section 10-19.1-61.1, section 10-19.1-63, subsection 2 of section 10-19.1-70, section 10-19.1-74, subsection 1 of

section 19-19.1-75, section 10-19.1-75.1, subsection 7 of section 10-19.1-76.2, subsections 2 and 3 of section 10-19.1-76.3, subsections 4 and 10 of section 10-19.1-84, section 10-19.1-87, subsections 3 and 4 of section 10-19.1-88, subsection 1 of section 10-19.1-91, subsection 1 of section 10-19.1-103, subsection 2 of section 10-19.1-104, subsection 1 of section 10-19.1-110, section 10-19.1-129, subsection 1 of section 10-19.1-141, section 10-19.1-145, subsections 1, 2, 4, and 6 of section 10-19.1-146, sections 10-19.1-147, 10-19.1-148, 10-19.1-149, 10-19.1-149.1, 10-19.1-150, 10-31-07.3 and 10-32-02, subsections 2 and 4 of section 10-32-07, section 10-32-10, subsection 2 of section 10-32-12, subsection 4 of section 10-32-13, sections 10-32-17, 10-32-20, 10-32-24, and 10-32-42, subsection 1 of section 10-32-43, section 10-32-43.1, subsection 2 of section 10-32-51, sections 10-32-53 and 10-32-54, subsections 3 and 4 of section 10-32-55, sections 10-32-56 and 10-32-76, subsections 3 and 5 of section 10-32-80, section 10-32-91, subsection 1 of section 10-32-99, subsections 1 and 2 of section 10-32-100, subsections 1 and 5 of section 10-32-102, subsection 2 of section 10-32-106, subsections 1 and 4 of section 10-32-107, subsection 2 of section 10-32-108, subsection 1 of section 10-32-114, section 10-32-132, subsection 1 of section 10-32-144, section 10-32-148, subsections 1, 2, 3, 4, and 7 of section 10-32-149, sections 10-32-150, 10-32-152, 10-32-153, 10-32-153.1, 10-32-154, and 10-33-01, subsection 3 of section 10-33-06, section 10-33-10, subsection 2 of section 10-33-12, subsection 4 of section 10-33-13, sections 10-33-18, 10-33-22, and 10-33-34, subsections 3 and 5 of section 10-33-39, sections 10-33-47, 10-33-51, 10-33-72, 10-33-73, and 10-33-74, subsections 2, 5, and 7 of section 10-33-80, section 10-33-120, subsections 1 and 2 of section 10-33-123, subsection 1 of section 10-33-134, sections 10-33-138, 10-33-139, 10-33-140, 10-33-141, 10-33-142, 10-33-142.1, and 10-33-143, subsection 2 of section 10-33-145, sections 45-13-01, 45-13-02, and 45-13-04.1, subsections 3 and 4 of section 45-13-04.2, subsection 8 of section 45-13-05, sections 45-21-01, 45-21-02, 45-21-03, 45-21-04, 45-21-05, 45-21-06, 45-21-07, 45-22-01, 45-22-04, 45-22-05, 45-22-17, 45-22-21.1, 45-22-22, 45-22-23, 45-23-01, 45-23-02, 45-23-03, and 45-23-04, subsections 1 and 2 of section 45-23-05, and sections 45-23-06, 45-23-07, 45-23-08, and 45-23-09 of the North Dakota Century Code, relating to corporations, limited liability companies, limited liability partnerships, and partnerships; and to repeal section 45-22-01.1 of the North Dakota Century Code, relating to limited liability partnerships.

Was read the first time and referred to the **Judiciary Committee**.

Reps. Nicholas, Kempenich, S. Meyer and Sens. Erbele, Flakoll introduced:

**HB 1392:** A BILL for an Act to create and enact a new section to chapter 36-09 of the North Dakota Century Code, relating to the costs of brand reinspection; to amend and reenact sections 36-09-09 and 36-09-24 of the North Dakota Century Code, relating to brand recording and fieldmen; to repeal section 36-09-09 of the North Dakota Century Code, relating to the cancellation and rerecording of brands; and to provide an effective date.

Was read the first time and referred to the **Agriculture Committee**.

Reps. D. Johnson, Carlson, S. Meyer and Sens. Erbele, Krauter introduced:

**HB 1393:** A BILL for an Act to amend and reenact section 20.1-03-11.2 of the North Dakota Century Code, relating to the number of antlered white-tailed deer licenses issued to outfitters.

Was read the first time and referred to the **Natural Resources Committee**.

Reps. Carlson, Belter, Delzer, Svedjan, Timm introduced:

**HB 1394:** A BILL for an Act to provide for general fund budget limits; to create a state reserve fund; and to amend and reenact sections 54-27.2-01, 54-27.2-02, and 54-27.2-03 of the North Dakota Century Code, relating to the budget stabilization fund.

Was read the first time and referred to the **Appropriations Committee**.

Reps. Hanson, Mueller, Nelson, Porter introduced:

**HB 1395:** A BILL for an Act to amend and reenact section 20.1-02-24 of the North Dakota Century Code, relating to compensation of the members of the state game and fish advisory board.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Reps. Ruby, Bellew, Brandenburg, Zaiser and Sens. Andrist, Erbele introduced:

**HB 1396:** A BILL for an Act to amend and reenact subsection 4 of section 39-08-01 of the North Dakota Century Code, relating to fines for driving under the influence.

Was read the first time and referred to the **Transportation Committee**.

#### FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Nicholas, Brandenburg, Froelich, Gulleeson, Herbel and Sen. Erbele introduced:

**HCR 3009:** A concurrent resolution urging the United States Department of Agriculture to maintain trade restrictions on all Canadian cattle and on all edible bovine meat products

derived from cattle of Canadian origin until various health, safety, and economic concerns can be satisfactorily addressed.

Was read the first time and referred to the **Agriculture Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1063: Political Subdivisions Committee (Rep. Devlin, Chairman)** recommends **DO PASS** (8 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1063 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1136: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1136 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1137: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1137 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1138: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1138 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1146: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1146 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1148: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1148 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1167: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1167 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1179: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** (10 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1179 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1180: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1180 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1182, as amended, Political Subdivisions Committee (Rep. Devlin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1182, as amended, was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 2 of section 57-15-28.1 of the North Dakota Century Code, relating to use of political subdivision levies for insurance reserve funds for political subdivision workforce safety and insurance premiums; and to provide an effective date.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Subsection 2 of section 57-15-28.1 of the North Dakota Century Code is amended and reenacted as follows:

2. A political subdivision, except a school district or park district, levying a tax for an insurance reserve fund according to section 32-12.1-08 may levy a tax not exceeding five mills. A political subdivision, except a school district

or park district, may use all or part of the levy under this subsection and the insurance reserve fund for payment of workforce safety and insurance contributions, premiums, judgments, and claims of the political subdivision.

**SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable years beginning after December 31, 2004."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1183: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1183 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "the age of", after "nineteen" insert "years of age", and after the third "the" insert "purchase, possession, and"

Page 1, line 3, replace "minors" with "individuals under nineteen years of age"

Page 1, line 8, overstrike "**minors**" and insert immediately thereafter "individuals under nineteen years of age"

Page 1, line 9, remove "a. It is an infraction for any person to sell to an individual under nineteen years of"

Page 1, remove lines 10 and 11

Page 1, line 12, remove "b.", overstrike "a minor" and insert immediately thereafter "an individual under nineteen years of age", and overstrike the second "a"

Page 1, line 13, overstrike "minor" and insert immediately thereafter "an individual under nineteen years of age"

Page 1, line 17, remove "a. It is a noncriminal offense for an individual under nineteen years of age to"

Page 1, remove lines 18 and 19

Page 1, line 20, remove "b." and overstrike "a minor" and insert immediately thereafter "an individual under nineteen years of age"

Page 1, line 23, after "purchase" insert "and possess"

Page 2, line 8, overstrike "minors" and insert immediately thereafter "individuals under nineteen years of age"

Page 2, line 13, remove "subdivision b of"

Page 2, line 15, remove "subdivision a of"

Page 2, line 19, remove "subdivision b of"

Page 2, line 21, remove "subdivision a of"

Page 3, line 23, remove "subdivision a of"

Page 3, line 26, remove "subdivision a of"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1184: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1184 was placed on the Sixth order on the calendar.

Page 1, line 11, remove the second "the" and replace "or" with an underscored comma

Page 1, line 12, replace "of another" with ", or benefits"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1197: Political Subdivisions Committee (Rep. Devlin, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1197 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1205: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1205 was placed on the Sixth order on the calendar.

Page 3, line 21, remove the overstrike over "7:", after "The" insert "Except for rules relating to concealed weapon license testing, the", and remove the overstrike over "~~attorney general may adopt rules to carry out this title.~~"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1211: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1211 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1221: Political Subdivisions Committee (Rep. Devlin, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1221 was placed on the Eleventh order on the calendar.

The House stood adjourned pursuant to Representative Monson's motion.

**Bradley C. Fay, Chief Clerk**

